

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

In re JONATHAN O., a Person Coming
Under the Juvenile Court Law.

H045231, H045416, H045796

(Santa Clara County
Super. Ct. Nos. JV42636A,
JV42636B

Santa Cruz County
Super. Ct. Nos. 17JU00327,
17JU00327A)

THE PEOPLE,

Plaintiff and Respondent,

v.

JONATHAN O.,

Defendant and Appellant.

Appellant Jonathan O.'s sole contention on appeal is that the Santa Clara County and Santa Cruz County Juvenile Courts failed to comply with the requirements of Welfare and Institutions Code section 241.1 and California Rules of Court, rule 5.512.¹ We find no prejudicial errors and affirm the dispositional order.

¹ Subsequent statutory references are to the Welfare and Institutions Code unless otherwise specified, and subsequent rule references are to the California Rules of Court.

I. Background

On September 13, 2017, 16-year-old Jonathan was arrested in Santa Clara County for an alleged criminal threat against another boy. Jonathan had a “very tumultuous” family history and was a dependent of the Santa Cruz County Juvenile Court.² He had been removed from his father’s custody in 2013 due to physical abuse and placed in a series of foster homes and group homes. Jonathan had been missing from his Fresno County placement for a couple of months, and a Santa Cruz County Child Protective Warrant had been issued for him. Law enforcement unsuccessfully attempted to contact Jonathan’s social worker before detaining him at Santa Clara County Juvenile Hall.

Jonathan had had two prior referrals to Santa Clara’s Juvenile Probation Department but no prior petitions. He “self-reported participation in gang related activities.” Jonathan told the Santa Clara juvenile probation officer that he had left Fresno and returned to San Jose to be with his pregnant girlfriend. On September 14, 2017, the Santa Clara probation officer spoke to Jonathan’s Santa Cruz social worker.

On September 15, 2017, a section 602 petition was filed alleging that Jonathan had made a criminal threat (Pen. Code, § 422). At the September 19 detention hearing, Santa Cruz social workers were present. Jonathan’s appointed attorney told the court that the social workers were not “comfortable” having Jonathan released to them because they did not have a placement for him. He asked the court to set a contested jurisdictional hearing. Jonathan’s attorney also told the court: “I would submit to the Court on whether [a section 241.1 report] should be issued or not, but I think we should also just set the trial date to get the jurisdiction resolved.”

² References to Santa Clara and Santa Cruz are to Santa Clara County and Santa Cruz County.

The court detained Jonathan and set a contested jurisdictional hearing for October 5, 2017. The court then asked Santa Clara County Counsel: “As far as the 241.1, Ms. Vasquez, can you give me some guidance?” Vasquez replied: “you need to order the 241.1.” She explained that the Santa Cruz social worker would work with the Santa Clara probation officer to complete the assessment. After hearing from county counsel, the court stated: “I will order the 241.1 report” However, a “Voice from the audience” interjected and asked the court to “consider deferring the 241[.1] until after the issue of jurisdiction.” “And the reason we ask that is because Santa Cruz County is a dual jurisdiction county. And so they will is -- have to enact their 241[.1] protocol once he gets up there, which means a 241.1 report would have to be done once he gets back there.” The court asked county counsel to comment. Vasquez told the court that “the Code says what it says and the Rule of Court says what it says. . . . So if you want to defer it now until we have more information about the process, I think that might be helpful.” The court then decided to “postpone the ordering of the 241.1” for “one week” so that Santa Clara probation could “work to collaborate” with Santa Cruz.

At a September 26, 2017 status review hearing, Santa Clara County Counsel Vasquez told the court that “[i]n [Santa Clara] we do [the section 241.1 report] prejurisdiction . . . [a]nd it appears that most of the counties it’s after jurisdiction.” She had contacted Santa Cruz County Counsel, and she told the court that Santa Cruz’s “preference” was ‘that you defer the 241.1 assessment until after you take jurisdiction because of how their protocol is set up.’ Jonathan’s attorney asserted “that the 241[.1] should already have been ordered” at the detention hearing, and she asked that “the 241.1 be ordered today.” Vasquez insisted that Santa Cruz’s “process does not kick in until after jurisdiction. So if the court orders a 241.1 here, they will not weigh in on the 241[.1] process here, so it will just be a report from probation here.” She claimed that if the court found jurisdiction and transferred the case to Santa Cruz the entire section 241.1

process would be repeated there, which would be “duplicative.” The prosecutor agreed that a section 241.1 report would be “all for not [*sic*]” if jurisdiction was not established.

Based on “the reasons stated by” the prosecutor and Vasquez, the court decided that it was “not ordering the 241[.1] at this time.” Jonathan’s Santa Clara attorney stated her objection for the record. “My objection is based on Welfare and Institutions code section 241.1, and rule of court 5.512(e). And it is very clear that the court must order the 241.1 report. And I understand that it may be inconvenient, and it may require more work, but that is not a justification for not following the guidelines set forth by the statute.” The court characterized Jonathan’s request for a section 241.1 report as “forum shopping for services which seem to be plentiful in Santa Clara County” and rejected it. Jonathan’s attorney noted that Jonathan “does not want to be transferred back to Santa Cruz County,” and she was unsure if “it’s in his best interest to be transferred back to Santa Cruz County, which is why I think the 241[.1 report] is important.”

On October 5, 2017, the contested jurisdictional hearing was continued to October 10. The contested hearing was held on October 10 and 12, and the court found the allegation true. Jonathan’s attorney asked the court to “proceed to disposition.” She noted that the probation department’s recommendation “is to transfer out,” but she stated that Jonathan “is not in agreement with that recommendation.” A disposition hearing was set for October 18. At the October 18 hearing, no disposition report had been produced, only a “transfer out report” Jonathan’s attorney argued that it was not in Jonathan’s best interest for him to be transferred to Santa Cruz. She argued that the court could not make a finding supporting transfer in the absence of a section 241.1 report and in the absence of a disposition report.

Santa Cruz County Counsel argued that it was in Jonathan’s best interest to be transferred to Santa Cruz because Santa Clara would necessarily treat him as dual status, while Santa Cruz would keep him in the dependency system. Jonathan’s attorney then asserted that she was not seeking to keep Jonathan in Santa Clara but was instead arguing

that not enough information had yet been provided to make that determination. The court ordered a disposition report so that it could determine Jonathan's best interest and continued the case to October 24. The court also noted that Jonathan's attorney was correct about the section 241.1 report.

At the October 24, 2017 hearing, Jonathan's Santa Cruz social worker told the court that Jonathan would undoubtedly "remain a 300" if he was transferred back to Santa Cruz. "He would be very well taken care of in our county." She had a placement that would be ready to take Jonathan in a couple of days. Jonathan would be "safer" in Santa Cruz because there were more services available for him. She explained that Santa Cruz was not a "dual status" county, but a "joint protocol" county. The prosecutor expressed her concern that she did not "want the 602 petition to be dismissed." She noted that Jonathan had "gotten into more trouble in Santa Clara County." Jonathan's attorney objected to Jonathan being transferred to Santa Cruz on the ground that he did not want to return to Santa Cruz and did not "feel safe" in Santa Cruz.

The court overruled the objection and found that it was in Jonathan's best interest to be transferred to Santa Cruz "where he would remain a dependent ward, would not be brought into the justice system[, and] where he gets various services that can be provided to him[, and] where it sounds as if he has family ties and social workers and service providers who know him extensively." The case was ordered transferred to Santa Cruz for disposition. On October 27, Jonathan filed a notice of appeal challenging the court's failure to order a section 241.1 report and the court's jurisdictional finding. (See fn. 3.)

Jonathan was transported to Santa Cruz on October 27, 2017. He was held in custody at Santa Cruz's juvenile hall. On October 31, the Santa Cruz court held a detention hearing and ordered a section 241.1 report. Jonathan's appointed Santa Cruz attorney urged that Jonathan remain a dependent child and be allowed to participate in the deferred entry of judgment (DEJ) program. The section 241.1 report was filed on November 14, the day of the disposition hearing, but it was signed by the Santa Cruz

County Human Resources Agency and the Santa Cruz County Juvenile Probation Department on November 9. The section 241.1 report gave the joint recommendation of the Department of Family and Children's Services (DFCS) and the Juvenile Probation Department that Jonathan "would be best served by proceeding under the jurisdiction of 300 W&I Code." It recommended that Jonathan be returned to his Fresno placement.

At the November 14, 2017 dispositional hearing, the Santa Cruz court noted that Jonathan's offense was "a serious incident," but it agreed with the recommendation that he remain a dependent "rather than a 602 through the delinquency system." Both the Santa Cruz prosecutor and Jonathan's Santa Cruz attorney submitted on the section 241.1 report. However, the prosecutor expressed concern about permitting DEJ given the "pretty severe" offense and the out-of-county placement recommended by the social worker. After considering the report, the Santa Cruz court adopted the report's recommendations. It ordered DEJ on the criminal threats count, which gave Jonathan 12 months to complete certain requirements. If he did so, the petition would then be dismissed. The court designated the "lead jurisdiction" as the "300 Dependency Court." Jonathan timely filed a notice of appeal from the court's order. (See fn. 3.)

Jonathan was released to the social worker on November 16, 2017 for placement in Salinas, and he immediately absconded. He did not comply with any of the DEJ conditions. On January 5, 2018, 17-year-old Jonathan was detained in Santa Clara after he was found in a car that had been carjacked, along with three other individuals and firearms. Jonathan admitted that he associated with gang members, and he had a new gang tattoo. He denied involvement in the carjacking, but he admitted that he knew the car was stolen. He told the Santa Clara juvenile probation officer that he had absconded on November 16, 2017 and would continue to leave his placement as long as it was not in San Jose.

The Santa Clara juvenile probation officer contacted Jonathan's Santa Cruz social worker on January 8, 2018. On January 8, a section 602 petition was filed in Santa Clara

alleging that Jonathan had committed carjacking (Pen. Code, § 215), second degree robbery (Pen. Code, §§ 211, 212.5, subd. (c)), driving or taking a vehicle (Veh. Code, § 10851, subd. (a)), receiving a stolen vehicle (Pen. Code, § 496d), carrying a concealed firearm in a vehicle (Pen. Code, § 25400, subd. (a)(1)), and possession of a concealable firearm by a minor (Pen. Code, § 29610). At the January 9 Santa Clara detention hearing, Jonathan's appointed counsel submitted on detention, and Jonathan was detained. The jurisdictional hearing was set for February 5.

At the February 5, 2018 hearing, Jonathan admitted the driving or taking count and the carrying a firearm count, and the remaining counts were dismissed. The driving or taking count was designated a felony, and the firearm count was designated a misdemeanor. The case was transferred to Santa Cruz for disposition. Jonathan was transported to Santa Cruz on February 7.

At a February 23, 2018 hearing, the Santa Cruz court revoked Jonathan's DEJ and ordered a supplemental section 241.1 report. The court continued the disposition hearing. Jonathan remained in custody. A supplemental section 241.1 report was prepared for the March 9, 2018 disposition hearing. In the report, the juvenile probation officer and the social worker expressed the joint opinion that Jonathan "would be best served" by "Family and Children's Services" but should also "be declared a Ward."

At the March 9, 2018 hearing, the Santa Cruz court terminated DEJ, declared Jonathan a ward, found that he should be a "dual status youth" and continue as a dependent under the "Joint Jurisdictional Protocol," designated the DFCS as the "lead agency," and placed Jonathan on juvenile probation. Jonathan was ordered to serve 31 days in juvenile hall and given 31 days credit for time served. Jonathan timely filed a notice of appeal from the March 9 dispositional order.³

³ Jonathan has filed three notices of appeal, but two of them are from nonappealable orders. Jurisdictional orders and DEJ orders are not appealable. (*In re James J.* (1986) 187 Cal.App.3d 1339, 1342 [jurisdictional orders not appealable]; *In re T.C.* (2012) 210

II. Discussion

Jonathan contends that the March 2018 Santa Cruz dispositional order must be reversed because (1) the Santa Clara court erroneously failed to order a section 241.1 report prior to the October 2017 jurisdictional hearing, (2) the Santa Clara and Santa Cruz courts violated section 241.1, subdivision (c) by failing to require⁴ the Santa Clara County Juvenile Probation Department to participate in a joint assessment of Jonathan with Santa Cruz DFCS, and (3) the Santa Cruz court erroneously failed to state reasons for its March 2018 decision to make Jonathan a dual status minor. He claims that these errors violated his due process rights and prejudiced him.

The Attorney General maintains that the Santa Clara court did not err in deferring the report until after the jurisdictional hearing because section 241.1 does not require the report to be prepared earlier and rule 5.512 is invalid to the extent that it requires the report to be prepared earlier. Alternatively, he contends that any error in delaying the report was harmless. The Attorney General concedes that the Santa Clara County Juvenile Probation Department should have participated in the joint assessment, but he asserts that Jonathan forfeited this claim by not objecting on this basis below and the error was harmless in any event. The Attorney General contends that the Santa Cruz court adequately stated its reasons on the record, that Jonathan forfeited any claim that the statement of reasons was deficient by failing to object on this basis below, and that any error was harmless. Finally, the Attorney General asserts that any errors did not deprive Jonathan of due process.

Cal.App.4th 1430, 1433 [DEJ order not appealable].) However, the issues he raises all are properly addressed in his appeal from the dispositional order, the one appealable order from which he has appealed.

⁴ Jonathan's actual assertion is that the Santa Clara *probation department* erred, but our review extends only to the court rulings that Jonathan is challenging. Presumably he is actually challenging the Santa Clara (or Santa Cruz) court's failure to require the probation department to participate in the assessment.

“Whenever a minor appears to come within the description of both Section 300 and Section 601 or 602, the county probation department and the child welfare services department shall, pursuant to a jointly developed written protocol described in subdivision (b), initially determine which status will serve the best interests of the minor and the protection of society. The recommendations of both departments shall be presented to the juvenile court *with the petition* that is filed on behalf of the minor, and the court shall determine which status is appropriate for the minor. Any other juvenile court having jurisdiction over the minor shall receive notice from the court, within five calendar days, of the presentation of the recommendations of the departments.”⁵
(§ 241.1, subd. (a), italics added.)

“Whenever a minor who is under the jurisdiction of the juvenile court of a county pursuant to Section 300, 601, or 602 is alleged to come within the description of Section 300, 601, or 602 by another county, the county probation department or child welfare services department in the county that has jurisdiction under Section 300, 601, or 602 and the county probation department or child welfare services department of the county alleging the minor to be within one of those sections shall initially determine which status will best serve the best interests of the minor and the protection of society. The recommendations of *both departments* shall be presented *to the juvenile court in which the petition is filed on behalf of the minor*, and the court shall determine which status is appropriate for the minor. In making their recommendation to the juvenile court, the departments shall conduct an assessment consistent with the requirements of subdivision (b).” (§ 241.1, subd. (c), italics added.)

⁵ The jointly developed written protocol “may also require . . . timelines for dependents in secure custody to ensure timely resolution of the determination pursuant to this section for detained dependents” (§ 241.1, subd. (b)(3)(A).)

Rule 5.512 elaborates on the requirements of section 241.1. “Whenever a child appears to come within the description of section 300 and either section 601 or section 602, the responsible child welfare and probation departments must conduct *a joint assessment* to determine which status will serve the best interest of the child and the protection of society. [¶] (1) The assessment must be completed *as soon as possible* after the child comes to the attention of either department. [¶] (2) *Whenever possible, the determination of status must be made before any petition concerning the child is filed.* [¶] (3) *The assessment report need not be prepared before the petition is filed* but must be provided to the court for the hearing as stated in (e). [¶] (4) If a petition has been filed, on the request of the child, parent, guardian, or counsel, or on the court’s own motion, the court may set a hearing for a determination under section 241.1 and order that the joint assessment report be made available as required in (f).” (Rule 5.512(a), italics added.)

“If the petition alleging jurisdiction is filed in one county and the child is already a dependent or ward in another county, *a joint assessment must be conducted by the responsible departments of each county.* If the departments cannot agree on which will prepare the joint assessment report, then the department in the county where the petition is to be filed must prepare the joint assessment report. [¶] (1) The joint assessment report must contain the recommendations and reasoning of both the child welfare and the probation departments. [¶] (2) The report must be filed at least 5 calendar days before the hearing on the joint assessment *in the county where the second petition alleging jurisdictional facts under sections 300, 601, or 602 has been filed.*” (Rule 5.512(c), italics added.)

“*If the child is detained,* the hearing on the joint assessment report must occur as soon as possible after or concurrent with the detention hearing, but no later than 15 court days after the order of detention and *before the jurisdictional hearing.* If the child is not detained, the hearing on the joint assessment must occur before the jurisdictional hearing

and within 30 days of the date of the petition. The juvenile court must conduct the hearing and determine which type of jurisdiction over the child best meets the child's unique circumstances.” (Rule 5.512(e), italics added.) “At least 5 calendar days before the hearing, notice of the hearing and copies of the joint assessment report must be provided to the child, the child's parent or guardian, all attorneys of record, any CASA volunteer, and any other juvenile court having jurisdiction over the child. The notice must be directed to the judicial officer or department that will conduct the hearing.” (Rule 5.512(f).)

A. Due Process

Jonathan asserts that the Santa Clara court violated his due process rights by postponing ordering the section 241.1 report and failing to make a section 241.1 determination before the jurisdictional hearing. He relies on cases holding that due process is violated when “a required report is completely omitted” or the parties are deprived of notice. These cases have no application here. The Santa Clara court delayed preparation of the section 241.1 report, but the report was not “completely omitted,” and Jonathan does not claim that there were any notice violations.⁶ Since the section 241.1 report was prepared prior to the Santa Cruz court's section 241.1 determination, this is not a case in which a section 241.1 determination was made without the benefit of information in a section 241.1 report. Jonathan's claim that the Santa Clara court “effectively declared [Jonathan] ‘dual status’” without a section 241.1 report when it

⁶ In his opening brief, Jonathan asserts that “nothing in the record indicates the parties were notified of the assessment or provided a copy of the report prior to the assessment.” He provides no record citation to support this implied claim of a notice violation, and his trial counsel never asserted that he had been deprived of adequate notice of the section 241.1 report prior to the section 241.1 hearing. We do not further consider this unsupported assertion.

made jurisdictional findings is inaccurate. The Santa Clara court made no section 241.1 determination, and the ultimate section 241.1 determination in connection with the 2017 proceedings was that Jonathan retained his dependency status rather than being declared a delinquent. We can perceive no violation of Jonathan's due process rights by the Santa Clara court or the Santa Cruz court.

B. Timeliness

The section 241.1 report was not prepared in compliance with the timeliness requirements of section 241.1 and rule 5.512. Section 241.1 requires the report to be presented "with the petition" to the court in which the petition is filed. The section 241.1 report was not presented to the Santa Clara court with the petition or at all. Instead, the report was not prepared until after the jurisdictional hearing had been completed in Santa Clara, the jurisdictional finding had been made, and the case had been transferred to Santa Cruz.

Jonathan objected to the court's failure to order the report at the post-petition September 2017 status review hearing, thereby preserving his timeliness challenge for review. (See *In re M.V.* (2014) 225 Cal.App.4th 1495, 1507-1509 (*M.V.*) [minor failed to preserve timeliness challenge to section 241.1 report where he did not object below].) However, he has failed to demonstrate on this record that he was prejudiced by the post-petition delay in preparation of the report.

Jonathan contends that the appropriate prejudice standard is whether the untimeliness of the report was harmless beyond a reasonable doubt, while the Attorney General argues that the appropriate standard is whether it is reasonably probable that a result more favorable to Jonathan would have resulted in the absence of the delay.

Jonathan relies on *In re R.G.* (2017) 18 Cal.App.5th 273 (*R.G.*) and *In re Ray M.* (2016) 6 Cal.App.5th 1038 (*Ray M.*). In *R.G.*, "the [juvenile] court effectively held the section 241.1 hearing . . . without the benefit of a section 241.1 assessment report and

without notifying the proper parties that it would be making a section 241.1 determination at that hearing.” (*R.G.*, at p. 290.) The Court of Appeal found that the absence of a report and notice “directly implicated” the minor’s due process rights thereby justifying application of the stricter standard. (*Ibid.*) *Ray M.* also concerned a notice deprivation. The minor’s dependency counsel had not been given notice prior to the section 241.1 determination. The Court of Appeal applied the stricter prejudice standard because the notice violation implicated the minor’s due process rights. (*Ray M.*, at pp. 1051-1052.)

Unlike the situations in *R.G.* and *Ray M.*, the Santa Clara court in this case did not make a section 241.1 determination before a section 241.1 report had been prepared and considered, and Jonathan does not claim that he or his trial counsel was deprived of notice or an opportunity to be heard on the section 241.1 issue at the November 2017 Santa Cruz section 241.1 hearing. Since there was no due process violation, the appropriate prejudice standard is whether it is reasonably probable that a result more favorable to Jonathan would have been achieved if the section 241.1 report had not been delayed. (*In re Michael G.* (2012) 203 Cal.App.4th 580, 591.)

Jonathan claims that a more favorable status determination would have resulted if the report had not been delayed. He claims that, because the report ultimately recommended that he remain a dependent, “[t]here was no need for the September 15, 2017 wardship petition,” and the “unnecessary wardship petition created a criminal record” for him that could have been avoided by a timely section 241.1 report. He claims that the September 2017 petition influenced the resolution of the 2018 petition because it gave him a criminal record that he otherwise would have lacked.

Jonathan’s focus on the *filing* of the September 2017 petition is misplaced. The timeliness claim that he is pursuing on appeal does not relate to *pre*-petition delay in preparation of the section 241.1 report (which he failed to preserve) but to *post*-petition

delay.⁷ His Santa Clara attorney did not object to the absence of a section 241.1 report until after the petition had been filed. The *post*-petition delay did not result in the *filing* of the petition. Jonathan does not demonstrate that the Santa Clara court would have dismissed the petition, held no jurisdictional hearing, or not made the jurisdictional findings if only the section 241.1 report had been prepared between the filing of the petition and the jurisdictional hearing. This omission is fatal to his claim that it is reasonably probable that there would have been no jurisdictional finding in the absence of the post-petition delay in ordering the section 241.1 report.

The information that was before the Santa Clara court prior to the jurisdictional hearing included much of the same information that was ultimately included in the section 241.1 report and contained no support for dismissal of the petition. The Santa Clara County Probation Department's detailed September 18, 2017 detention report not only described Jonathan's Santa Clara offense but also described the probation officer's interview of Jonathan about his status. Jonathan had told the probation officer that he was not attending school in Fresno (where he was placed), was "kicking it with Crips," and would leave any placement that was not in San Jose. The detention report summarized Jonathan's Santa Cruz dependency history and status and noted that Jonathan had two prior delinquency referrals in Santa Clara, neither of which had resulted in a petition.

⁷ Although Jonathan claims that his trial counsel was prejudicially deficient in failing to "adequately object" in certain respects, he does not clearly identify as a deficiency his trial counsel's failure to object to the court's failure to order a section 241.1 report prior to the filing of the petition. Since Jonathan's trial counsel affirmatively asked the court to set a contested jurisdictional hearing and expressed his neutrality on whether the court should order a section 241.1 report, his decision not to object to the absence of a section 241.1 report appears to have been a tactical decision that Jonathan's interests would be best served by defeating the jurisdictional allegations.

While the November 9, 2017 Santa Cruz section 241.1 report contained more extensive information than the Santa Clara detention report about the details of Jonathan's parents' dependency history, much of this information involved abuse of Jonathan's siblings rather than abuse of Jonathan. The portion of the section 241.1 report addressing Jonathan's medical, developmental, and educational status was unremarkable. The section 241.1 report noted that Jonathan "is engaging in very high risk behavior" and expressed concern "about his ability to keep himself and the community safe" in light of his "apparent gang involvement."

Nothing in the section 241.1 report would have supported a decision to dismiss the delinquency petition without a jurisdictional hearing had this report, rather than only the detention report, been before the Santa Clara court prior to the jurisdictional hearing. Each report demonstrated that Jonathan's gang involvement and prior delinquent misconduct coupled with his adamant refusal to stay in his placement merited pursuing the petition to a jurisdictional hearing even if Jonathan might ultimately end up remaining a Santa Cruz dependent. It is not reasonably probable that the Santa Clara court would have concluded that the petition was "unnecessary" if only it had had the additional information that was ultimately included in the section 241.1 report.

The fact that the section 241.1 report ultimately recommended that Jonathan should remain a dependent rather than a dual status youth does not reflect that the petition was unnecessary. When Santa Cruz DFCS urged the Santa Clara court to transfer Jonathan to Santa Cruz, it argued that it was in Jonathan's best interest to be transferred to Santa Cruz because *Santa Clara would make him a dual status youth*, while Santa Cruz would keep him in the dependency system. The Santa Clara prosecutor was adamant that "the 602 petition" not "be dismissed" because Jonathan had "gotten into more trouble in Santa Clara County." And the Santa Cruz prosecutor, after reviewing the section 241.1 report, questioned whether even DEJ was appropriate given the "pretty severe" offense and the out-of-county placement recommendation. Under these circumstances, it is not

reasonably probable that the juvenile court would have concluded that the petition was unnecessary.

On this record, Jonathan has failed to show that the Santa Clara court's failure to order a section 241.1 report prior to the jurisdictional hearing prejudiced him.

C. Joint Assessment

As the Attorney General concedes, the Santa Clara court erred in failing to order a section 241.1 assessment and failing to require the Santa Clara County Juvenile Probation Department to participate in a joint section 241.1 assessment with Santa Cruz DFCS as required by section 241.1. Yet again, Jonathan fails to demonstrate that he was prejudiced by this error. The Santa Clara County Juvenile Probation Department's detention report was available to the Santa Cruz DFCS and the Santa Cruz County Juvenile Probation Department when they jointly prepared the section 241.1 report, and the record contains no indication that the Santa Clara County Juvenile Probation Department would have recommended dismissal of the petition if it had participated in the assessment.

D. Statement of Reasons

Jonathan claims that the Santa Cruz court failed to state reasons for its March 2018 determination that he should be a dual status youth. The Attorney General asserts that the Santa Cruz court did in fact state its reasons.

At the end of the March 2018 dispositional hearing, the Santa Cruz court told Jonathan: "[W]e don't have a lot of time to get you into the next phase of your life because you are going to be an adult right around the corner. So the idea is to give you a lot of support through the CPS piece as well as this [juvenile probation] piece so that once you are 18 you will be making good choices and keeping yourself safe because I know that's a big thing too." Jonathan does not acknowledge this statement, and he

makes no contention that he was prejudiced by the court's failure to more explicitly identify the reasons for its March 2018 dual status determination. We conclude that the Santa Cruz court's statement that dual status would provide more "support" for Jonathan was adequate, and the court did not prejudicially err in failing to give a more detailed statement of its reasons.

III. Disposition

The Santa Cruz court's dispositional order in H045796 is affirmed. The appeals in H045231 and H045416 are dismissed because they are from nonappealable orders.

Mihara, Acting P. J.

WE CONCUR:

Grover, J.

Danner, J.

In re Jonathan O.
H045231, H045416, H045796